SENATE BILL 1911
By Jackson

HOUSE BILL 2162

By Briley

AN ACT to create a special committee to study the administration of the death penalty.

WHEREAS, the state should exercise the utmost care in matters of life and death; and

WHEREAS, new methods and technologies for determining guilt or innocence have shed new light on the causes of wrongful convictions; and

WHEREAS, the execution of an innocent person by the state of Tennessee would be a grave and irreversible injustice; and

WHEREAS, the state must ensure a criminal justice system that is impartial, equitable, competent, accurate, and meets the needs of victims' family members; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. In order to ensure a system of justice that is impartial, there is created a special committee to study the administration of Tennessee's death penalty system. The committee shall be known as the Committee to Study the Administration of the Death Penalty, herein referred to as "the committee."

SECTION 2. The committee is charged to study capital punishment in the state of Tennessee and to make recommendations designed to make capital punishment in Tennessee uniform in its application and administration so that the capital process is free from bias and error. To that end, the committee shall, among other things, review non-partisan, academic, and/or government inquiries into the administration of capital punishment at the state and national levels.

SECTION 3. The committee is charged to study, receive testimony, deliberate upon and make recommendations for public policy designed to provide fairness and accuracy in the application and administration of capital punishment. The committee's findings and

recommendations shall address all stages of the capital process and public policy related to the death penalty in areas including, but not limited to, the following:

(1) The provision of enforced guidelines and standards for the identification, recruitment, appointment, training, financing, investigative assistance, attorney resource assistance, forensic expert assistance, and performance of qualified, effective defense counsel in all stages of litigation in capital cases, using as a benchmark the American Bar Association's *Guidelines for the Appointment and Performance of Defense Counsel in Death Penalty Cases* (2003);

(2) The risk of innocent people being executed and the causes that lead to wrongful conviction;

(3) Whether the law provides adequate protection for specific vulnerable populations such as the mentally retarded (in accordance with the United States Supreme Court ruling in *Atkins v. Virginia*) and the mentally ill; whether persons suffering from mental illness constitute a disproportionate number of those on death row, what criteria should be used in judging the level of mental illness involved; and whether or not people with mental illness should be executed; and

(4) What services exist in the state of Tennessee for close family members and loved ones of murder victims and capital defendants; whether these services are sufficient; whether additional services are provided in other states; whether additional services should be provided in the state of Tennessee; and whether victims' rights and services are provided on an equal basis to all surviving family members.

SECTION 4. The committee shall consist of sixteen (16) members, as follows; two (2) members of the senate, including at least one (1) member of the senate judiciary committee, appointed by the speaker of the senate; two (2) members of the house of representatives, including at least one (1) member of the house judiciary committee, appointed by the speaker of

the house; two (2) persons appointed by the governor; a representative appointed by the attorney general; a representative appointed by the Tennessee Bar Association; a representative appointed by the Tennessee Association of Criminal Defense Lawyers; a representative appointed by the District Attorneys General Conference; a representative appointed by the District Public Defenders Conference; a representative appointed by the Office of the Post-Conviction Defender; a representative appointed by the Tennessee Justice Project; a representative appointed by the National Alliance on Mental Illness, Tennessee; a representative appointed by Murder Victims' Families for Human Rights; and a representative appointed by You Have the Power.

SECTION 5. The committee shall be convened by the legislative member with the most years of continuous service in the general assembly and, at its organizational meeting, shall elect from among its legislative membership, a chair, vice-chair, and such other officers the committee may deem necessary.

SECTION 6. Members of the committee shall serve without compensation. All legislative members of the special joint committee who are duly elected members of the general assembly shall remain members of such committee until the committee reports its findings and recommendations to the general assembly.

SECTION 7. The committee shall report its findings and recommendations to the governor and the general assembly within two (2) years of the effective date of this act, at which time the committee shall cease to exist.

SECTION 8. This act shall take effect upon becoming a law, the public welfare requiring it.